

Fresno, California

September 18, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

Andy Souza, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Booker T. Lewis II, Pastor of the Rising Star Missionary Baptist Church gave the invocation, and President Perea led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER STERLING

Not presented.

PROCLAMATION OF "DEAF AWARENESS WEEK" - MAYOR'S OFFICE

1. PRESENTATION TO THE DEAF AND HARD OF HEARING SERVICES

PROCLAMATION OF "5TH ANNIVERSARY OF CITIZENS CORPS COUNCIL" - MAYOR'S OFFICE

PROCLAMATION OF "MITOCHONDRIAL AWARENESS WEEK" - MAYOR'S OFFICE

PROCLAMATION OF "NATIONAL FAMILY DAY -- A DAY TO EAT WITH YOUR FAMILY" - COUNCILMEMBER STERLING

PROCLAMATION OF "A CELEBRATION OF HANDS THAT FORGE HISTORY" - MAYOR AND CITY COUNCIL

The above proclamations/presentation were read and presented.

- - - -

APPROVE MINUTES OF AUGUST 28, 2007:

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the minutes of August 28, 2007, approved as submitted.

- - - -

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: Request staff send a letter to the Dominion/Ft. Washington Homeowners Association requesting they trim the trees along Perrin Avenue between Shepherd and Liberty Elementary School due to large branches that have been falling/breaking off.

ACTING PRESIDENT XIONG: (1) Pursuant to AB 1234 report on trip to Sacramento for participation in the Southeast Asian Action Resource Center conference; (2) congratulations to Fresno Academy of the Arts on their grand opening in the Tower District; (3) congratulations to Valley Can public/private partnership for their work in getting old polluting vehicles off the streets; and (4) thank you to public works staff for addressing the sidewalk issue at KIP Academy and District 1's infrastructure needs.

COUNCILMEMBER CALHOUN: (1) Commendation to staff on the opening of the first phase of the Figarden Baseball complex; and (2) request for date when the Santa Fe Depot Phase II item pulled from the last agenda will be rescheduled, with City Manager Souza responding.

COUNCILMEMBER DAGES: (1) Thank you to parks & recreation and copy center staff for Saturday's successful Kids Day event at the Mosqueda Center named in honor of Lola Quintero, wife of District 5 Assistant Sal Quintero who established Kids Day; (2) thank you to Traffic Engineering Manager Jones and staff for assistance at meeting at St. Anthony Church concerning Olmos Elementary School traffic issues; and (3) upcoming Fresno District Fair and encouragement to all to attend.

COUNCILMEMBER STERLING: (1) Numerous calls of concern received on the Running Horse project and request for memo next week on status of the project to inform constituents; (2) thank you to parks & recreation staff for the Mexican Independence Day event on the Fulton Mall and the Salsa event at Eaton Plaza; and (3) congratulations to "FRESNO" magazine on their fifth anniversary.

COUNCILMEMBER WESTERLUND: **(2 - 0)** (1) Announcement of the Billion \$Dollar tour of downtown Fresno on September 29th; (2) concern expressed with Council not being involved in the decision to change Woodward Park to two-way traffic and how that change occurred; and (3) earlier proclamation of Deaf Awareness Week and request staff look into having City Council meetings signed on a regular basis as a way to reach out to the deaf and hard of hearing community.

PRESIDENT PEREA: Pursuant to AB 1234 report on trips to Sacramento to attend POST, the Latino Caucus (where elected President), and the League of California Cities meetings/conferences.

- - - -

APPROVE AGENDA:

(10:15 A.M.) HEARING TO CONSIDER ADOPTION OF ENVIRONMENTAL ASSESSMENT NO. EA-07-31 FILED BY THE DEPARTMENT OF PUBLIC UTILITIES **(Continue to October 16, 2007, at 10:30 a.m.)**

Continued as noted.

(10:45 A.M.) HEARING ON CUP NO. C-06-229 FILED BY OMNIPOINT COMMUNICATIONS, INC., PROPERTY ON THE NORTHEAST CORNER OF N. CEDAR AND E. SHIELDS AVENUE (4205 E. SHIELDS AVENUE), REQUESTING CONSTRUCTION AND OPERATION OF A WIRELESS COMMUNICATIONS FACILITY **(Continued to October 16, 2007, at 10:15 a.m.)**

Continued as noted.

(1-F) APPROVE REAPPOINTMENT OF RUEBEN SCOTT TO THE HOUSING AUTHORITY - MAYOR AUTRY

Removed from the Agenda at the direction of the Mayor's office.

(1-H) ADOPT PROPOSED SPENDING PLAN FOR FY 2008 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)

1. RESOLUTION - 20TH AMENDMENT TO AAR APPROPRIATING \$917,700 OF STATE SLESF FUNDS INTO THE POLICE DEPARTMENT BUDGET FOR EQUIPMENT AND OPERATIONS NEEDS

Laid over one week.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

Tom Isaak, 2180 S. McDowell, Petaluma, CA, whose firm operates Riverside Golf Course, spoke to Item **1-T** and specifically the history, condition, and needs of Riverside Golf Course.

Councilmember Calhoun pulled Items **1-C** and **1-T**, Acting President Xiong pulled Item **1-U**, Councilmember Duncan pulled Item **1-G**, and Councilmember Westerlund pulled Items **1-M**, **1-O**, **1-V** and **1-W** from the Consent Calendar for separate discussion/action.

(1-A) APPROVE A FIVE YEAR AIRPORT JOINT USE AGREEMENT WITH THE UNITED STATES OF AMERICA COVERING THE CALIFORNIA AIR NATIONAL GUARD'S USE OF FYI'S AIRFIELD FACILITY, WITH AN ANNUAL FEE OF \$101,961

(1-B) APPROVE A ONE-YEAR LEASE, WITH FOUR OPTIONS TO EXTEND AND AT THE RATE ESTABLISHED IN THE MASTER FEE SCHEDULE, WITH THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) OF THE U.S. DEPARTMENT OF HOMELAND SECURITY, FOR SPACE IN THE FYI PASSENGER TERMINAL THAT THE TSA HAS OCCUPIED

(1-D) APPROVE THE ADDITION OF FOUR SUCCESSIVE OPTIONS IN FAVOR OF MEMLEY AVIATION, INC., TO EXTEND THEIR FIXED BASE OPERATOR LEASE AT CHANDLER AIRPORT, IN ONE YEAR INCREMENTS, WITH THE RENT SUBJECT TO ANNUAL REVIEWS AND ADJUSTMENTS IN ACCORDANCE WITH THE FORMULA PROVIDED IN THE LEASE

(1-E) APPROVE MONTH TO MONTH EXTENSION OF THE LEASE CONTRACT WITH THE FEDERAL AVIATION ADMINISTRATION FOR CARGO BUILDING BAY NO. 5

(1-I) RESOLUTION NO. 2007-300 - 13TH AMENDMENT TO THE AAR APPROPRIATING JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS IN THE AMOUNT OF \$386,600 INTO THE POLICE DEPARTMENT BUDGET

(1-J) AWARD A CONTRACT IN THE AMOUNT OF \$392,777.50 TO CRUCO CONSTRUCTION GROUP, INC., FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREAS 25 AND 28

(1-K) AWARD CONTRACT IN THE AMOUNT OF \$144,870 TO BDS CONSTRUCTION FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 61

(1-L) APPROVE THE COST SHARE AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT FOR CONSTRUCTION OF IMPROVEMENTS TO THE ENTERPRISE CANAL FLUME AT FANCHER CREEK CROSSING, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO SIGN THE AGREEMENT

(1-N) ADOPT A MEMORANDUM OF UNDERSTANDING WITH THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW), COVERING THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2011

1. RESOLUTION NO. 2007-301 - 3RD AMENDMENT TO SALARY RES. 07-217 AMENDING EXHIBIT 9, UNIT 7, NON-SUPERVISORY GROUPS AND CRAFTS (IBEW)

2. RESOLUTION NO. 2007-302 - APPROVING AN APPLICATION TO THE STATE EMPLOYMENT DEVELOPMENT DEPARTMENT FOR STATE DISABILITY INSURANCE COVERAGE FOR EMPLOYEES IN UNIT 7

(1-P) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY OWNED BY UNION PACIFIC RAILROAD ON THE WEST SIDE OF WEBER AVENUE NORTH OF MARKS AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT AND EXECUTE THE DEED OF EASEMENT AND COMPLETE THE ACQUISITION THROUGH ESCROW

(1-Q) RESOLUTION NO. 2007-303 - 14TH AMENDMENT TO THE AAR APPROPRIATING \$260,000 FOR MAINTENANCE OF CFD NO. 2 AND \$85,000 FOR ELIGIBLE DEVELOPER DEPOSIT REFUNDS FOR ACCEPTED TRACTS

(1-R) RESOLUTION NO. 2007-304 - 15TH AMENDMENT TO THE AAR APPROPRIATING \$76,900 FOR MAINTENANCE OF CFD NO. 11 AND \$53,500 FOR ELIGIBLE DEVELOPER DEPOSIT REFUNDS

(1-S) RESOLUTION NO. 2007-305 - 21ST AMENDMENT TO THE AAR APPROPRIATING \$320,000 TO PROVIDE FUNDS FOR ANNUAL CITYWIDE COPIER LEASE PROGRAM PAYMENTS

(1-X) BILL NO. B-67 - ORDINANCE NO. 2007-72 - AMENDING UNCODIFIED ORDINANCE TO ADOPT CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF DESIGNATED SPECIAL SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY PURSUANT TO THE FMC

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

- - - -

CONTESTED CONSENT CALENDAR:

(1-C) AWARD A CONTRACT FOR THE FRESNO CHANDLER EXECUTIVE AIRPORT TERMINAL INTERIOR REHABILITATION PROJECT TO STC GENERAL BUILDING CONTRACTORS, INC., IN THE AMOUNT OF \$163,136

Councilmember Calhoun expressed concern with the recommended bid being 23% above the Engineer's estimate noting this was the second time this had happened at Chandler, and advised although he was aware the reason was because this was a historical site he wasn't sure he was buying that as bidders could "jack up the price", with Projects Manager Meikle responding and speaking to the scope of work and to the difficulty of architects estimating custom craftsman work. Councilmember Calhoun stated this was not time sensitive and the message should be that the City is serious about the bidding process and will try again, and made a motion to direct staff to rebid the project. The motion was seconded by Acting President Xiong.

Councilmember Westerlund stated he was comfortable with the amount adding it was not so out of line where "it blows the socks off" the deal, and spoke briefly to the second bidder's bid being much higher. City Manager Souza cautioned Council about re-bidding due to the uncertainties explained by staff; stated the Engineer's estimate needed to be put in context emphasizing it was just that -- an estimate or benchmark used to gauge the needed work and used for analysis; and recommended Council move forward with the award this date. Mr. Meikle added if this project had been 20 to 25% specialized he would have had concerns but noted 50+% was specialized construction.

A motion of Councilmember Calhoun, seconded by Acting President Xiong, to direct staff to rebid the project failed, by the following vote:

Ayes : Calhoun, Xiong
Noes : Dages, Duncan, Sterling, Westerlund, Perea
Absent : None

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled contract awarded as recommended, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Perea
Noes : Calhoun, Xiong
Absent : None

(1-G) AUTHORIZE THE CITY OF FRESNO TO ENTER INTO AN AGREEMENT WITH THE 21ST DISTRICT AGRICULTURAL ASSOCIATION TO PROVIDE POLICE SERVICES AT THE 2007 FRESNO DISTRICT FAIR

Upon question of Councilmember Duncan, Chief Dyer confirmed levels of police protection in District 6 would not suffer because of the fair and the current surge against gangs.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Agreement with the 21st District Agricultural Association hereby authorized, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

(1-M) RESOLUTION NO. 2007-306 - 16TH AMENDMENT TO THE AAR APPROPRIATING \$1,334,800 FOR CONSTRUCTION OF PHASE 2 GROUNDWATER REMEDIATION AT THE FRESNO SANITARY LANDFILL
1. AWARD CONTRACT TO ZIM INDUSTRIES, INC., IN THE AMOUNT OF \$1,209,725 FOR THE PROJECT

Councilmember Westerlund noted out of 23 interested bidders only one submitted a bid and upon his question Assistant Public Utilities Director Andersen advised this project was time sensitive due to the specialized type of work involved.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-306 hereby adopted, and the above entitled contract awarded to Zim Industries, Inc., as recommended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(1-O) APPROVE ACQUISITION OF PROPERTY AT THE SOUTHWEST CORNER OF E. HAMILTON AND S. SARAH STREET, FROM THOMAS AND GEORGIEAN PETERS FOR THE APPRAISED VALUE F \$275000 FOR DEVELOPMENT OF A SKATE PARK, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY

Councilmember Westerlund advised his concern was purchasing the property with funding through the reimbursement resolution where currently the funds are not there, and added he was also concerned with the bonding capacity and it being unknown what the City will bond for and elaborated, with PR&CS Director Cooper responding. Upon questions of Councilmember Duncan, Mr. Cooper and City Manager Souza advised this project was included in the Parks Master Plan and reimbursement resolution, there was a commitment to bond when the resolution was adopted, and staff would be bringing back a plan for bonding in approximately 45 days, whereupon Councilmember Duncan stated this was a great thing for the community and the youth and made a motion to approve staff's recommendation. Councilmember Sterling seconded the motion and also spoke in strong support. Mr. Cooper and Mr. Souza responded briefly to questions of Acting President Xiong relative to whether the bonding would be for the purchase of the land or for maintenance, and how maintenance would be paid for. President Perea spoke to the issue and in support stating this was a great partnership. Councilmember Westerlund reiterated the City should not be going out and buying property before it has the money and added this matter could have been delayed until after staff brings their bonding plan forth.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, acquisition of the subject property hereby approved, and the Public Works Director authorized to sign the necessary documents on behalf of the City, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	Westerlund
Absent	:	None

(1-T) RESOLUTION - 459TH AMENDMENT TO MFS RES. 80-420 INCREASING GREEN FEES AT RIVERSIDE MUNICIPAL GOLF COURSE

Councilmember Calhoun stated Riverside Golf Course was a gem and needed more than just an increase in green fees, elaborated on the facility's failing irrigation, infrastructure, and needs/challenges, **(3 - 0)** acknowledged revenues needed to be raised to invest in Riverside but stated he was not prepared to raise fees until (1) he could be guaranteed all revenue and green fees that are generated at Riverside stay at the course and are reinvested to the desperately needed improvements, and (2) staff returns with a report and recommendations on how to fully replace the failing infrastructure, and made a motion table this matter for 30 days for staff to report back with recommendations on how to replace the failing infrastructure at Riverside Golf Course, along with a financial plan for ongoing maintenance.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution tabled for 30 days for staff to report back with recommendations on how to replace the failing infrastructure at Riverside Golf Course along with a financial plan for ongoing maintenance, by the following vote:

Ayes	:	Calhoun, Dages, Sterling, Westerlund, Xiong, Perea
Noes	:	Duncan
Absent	:	None

(1-U) APPROVE AMENDMENT TO THE FY 2008 ANNUAL ACTION PLAN TRANSFERRING \$1,925,000 OF HOME PROGRAM FUNDS FROM THE RENTAL REHABILITATION LOAN PROGRAM AND THE NEW DEVELOPMENT/CONSTRUCTION PROGRAM TO THE FIRST TIME HOME BUYER ASSISTANCE PROGRAM

Housing & Community Development Manager Sigala responded to questions and comments of Acting President Xiong relative to the hesitancy of prospective applicants to get involved in the Rental Rehabilitation Loan Program (RRLP), what burdens/requirements are imposed on applicants, what groups are targeted to help revitalize neighborhoods, how the program can be improved, reason for the lack of participants, need to reevaluate the program if it is good yet lacks participants, the process in working with and selecting partners, and program funds. Acting President Xiong stated he still had questions on the process and was leery of the transparency, and he also was not clear on the initial purpose of the RRLP.

Relative to the RRLP Councilmember Dages stated he did not believe in helping investors with federal dollars but stated he liked the First Time Home Buyer Program as it has helped many people, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Sterling. Mr. Sigala responded to questions and comments of Councilmember Westerlund relative to funds budgeted for the various programs, amounts being transferred from one program to another, issues relative to the RRLP, concern this was not discussed during budget, and number of rental rehabs done last year. Councilmember Sterling stated this was a good move and elaborated on the work of the 10x10 committee in regards to slumlords.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled amendment to the 2008 Annual Action Plan hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	Xiong
Absent	:	None

(1-V) APPROVE AMENDMENT NO. 3 TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT BETWEEN THE CITY AND SELF-HELP ENTERPRISES FOR A TIME EXTENSION FOR COMPLETION OF THE LITTLE LONG CHENG SINGLE FAMILY HOME SUBDIVISION LOCATED AT WILLOW AND JENSEN AVENUES

Councilmember Westerlund noted other extensions have been requested in the past by other CHDOs and expressed concern with projects "dragging on and on", questioned what was happening and what the nature was of the delays/hold-ups, and added his concern was HOME funds sitting around waiting to be utilized, with Housing & Community Development Manager Sigala and Mike Parr of Self Help Enterprises responding and clarifying issues throughout. A motion and second was made to approve staff's recommendation. Councilmember Dages commended Self Help and the families for all they do and have done, and Mr. Sigala for all his work and efforts.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Amendment to the Agreement with Self Help Enterprises hereby approved, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(1-W) RESOLUTION NO. 2007-307 - 462ND AMENDMENT TO THE MFS RES. 780-420 MODIFYING THE TEXT IN THE ART, PARK, ENTERTAINMENT & SPORTS SURCHARGE TO SPECIFICALLY IDENTIFY THE CITY'S ENTERTAINMENT VENUES AND PROVIDE FOR WAIVER OF THE SURCHARGE UPON CITY MANAGER APPROVAL

Budget Manager Smith and City manager Souza clarified issues and responded to questions of Councilmember Westerlund relative which venues the fee could be collected at. A motion and second was made to adopt the resolution. President Perea requested staff provide an update on the amount that has been collected to date and the plan for utilizing the funds.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-307 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

- - - -

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATIONS:

1. APPEARANCE BY JEFF ROBERTS REQUESTING LAND IN THE VICINITY OF COPPER AND WILLOW AVENUES BE A PRIORITY AREA FOR PRE-ZONING ACTIVITY

Appearance made, with Mr. Roberts, City Attorney Sanchez and Planning & Development Director Yovino responding to questions of Councilmember Dages relative to whether Mr. Roberts was asking for pre-zoning this date and if Council can request the development department to pre-zone areas **(4 - 0)**.

2. APPEARANCE BY DONN BEEDLE TO PRESENT A EULOGY HONORING LOUIS BRATCHER, A FORMER PLANNER WITH THE REDEVELOPMENT AGENCY DURING THE 1960's AND EARLY 1970's

Appearance made.

- - - -

(9:15 A.M.) DISCUSSION AND DIRECTION REGARDING ESTABLISHMENT OF A CITY OF FRESNO INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM CONSISTENT WITH PROGRAMS ESTABLISHED IN SAVANNAH, GEORGIA, KANSAS CITY, KANSAS, AND SAN ANTONIO, TEXAS - PRESIDENT PEREA

Laid over one week at the direction of President Perea.

- - - -

(10:00 A.M. #1) RESOLUTION NO. 2007-308 - RECOGNIZING THE RESIDENTIAL NEIGHBORHOOD BOUND BY JENSEN, MARTIN L. KING, ANNADALE AND IVY AVENUES AS "BROOKHAVEN" - COUNCILMEMBER STERLING

Councilmember Sterling introduced the item and District 3 Chief of Staff Barfield reviewed of the issue including the history of the neighborhood and the work of the Bringing Broken Neighborhoods Back to Life (BBNBL) group.

Speaking in support of the issue were: Reverend Timothy Simmons, member of the Westside Church of God; Judy Rogers with United One Productions; an unidentified woman who spoke to the efforts of BBNBL; Alan Hodgkin, Project Coordinator for Weed & Seed Fresno West; Police Chief Dyer; Alex Correa; Darlene Holland; Pastor Lee (last name inaudible), Glory Bound Outreach Ministry; a gentleman who identified himself as the son of former Councilmember Les Kimber; and Pastor George (last name inaudible).

Councilmember Sterling thanked everyone involved, spoke further to problems the neighborhood has encountered, to how Brookhaven came about, and to the need to address broken neighborhoods and the courage of the community, and made a motion to adopt the resolution. Councilmember Calhoun seconded the motion and also spoke to the importance of taking neighborhoods back and thanked the neighbors who did that, and stated he would "steal" the sign idea for his Pinedale community who has faced similar challenges. City Attorney Sanchez and Chief Dyer responded to questions/comments of Councilmember Westerlund relative to whether the naming posed any legal ramifications, gang repercussions and if there was any reason to be cautious, and suggestion to not dignify gangs by mentioning the name they have given to neighborhoods. Councilmember Duncan and President Perea also expressed their support and commended and congratulated Brookhaven and all involved.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2007-308 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : None

Councilmember Sterling left the meeting at 11:40 a.m. and was absent for the remainder of the morning session.

- - - -

(9:00 A.M.) PUBIC COMMENT - UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY PAULA SAVINO REGARDING THE HOMELESS

Appearance made.

- - - -

(10:00 A.M. #2) HEARING ON THE VACATION OF A PORTION OF THE FOWLER AVENUE FRONTAGE ROAD AT ILLINOIS AVENUE - R.I. NO. 1062-D

1. RESOLUTION NO. 2007-309 - ORDERING THE VACATION

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-309 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	Sterling

- - - -

(10:20 A.M.) HEARING ON INTRODUCTION OF TEXT AMENDMENT APPLICATION NO. TA-07-01 AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PLANNING AND DEVELOPMENT DIRECTOR, RELATED TO RESIDENTIAL DENSITY BONUS PURSUANT TO STATE LAW

1. BILL NO. B-75 - (FOR INTRODUCTION) ADOPTING TEXT AMENDMENT APPLICATION NO. TA-07-01 AND ENVIRONMENTAL FINDINGS

(5 - 0) President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Unruh stated the staff report as submitted was complete and advised of a typographical error on Page 16, Section C, correcting Subsection 12-324-C-4 to 12-324-C-5.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Calhoun spoke to his understanding of the handicapped parking provision and presented questions relative to whether handicapped parking could be waived or eliminated, why it would be eliminated, if apartments did not require handicapped parking, if the ADA Advisory Committee was aware of this, and his concern that the message may be the City does not care about parking for the handicapped. Councilmember Calhoun requested staff be prepared to address this matter further when the ordinance comes back next week for adoption, and Councilmember Westerlund requested staff meet with him within the next week to discuss the ordinance.

On motion of Councilmember Dages, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Bill No. B-75 introduced before the City Council and laid over one week, by the following vote:

Ayes	:	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	Sterling
Abstain	:	Calhoun

- - - -

(10:30 A.M.) APPEARANCE BY JAIME HOLT, MEMBER OF THE CREATIVE ECONOMY COUNCIL, TO PROVIDE A FOLLOW-UP TO THE CREATIVE ECONOMY COUNCIL'S REPORT CARD AND RECOMMENDATIONS - COUNCILMEMBER WESTERLUND

Ms. Holt introduced Suzanne Bertz-Rosa, Chair of Creative Fresno, who played a video entitled "Urban Mindset". Ms. Holt thanked Mayor Autry and his staff, the Creative Economy Council, Creative Fresno, and city staff, and spoke to CEC's efforts, the purpose of the report card, key recommendations, and grades. Councilmember Westerlund and President Perea thanked Ms. Holt and Ms. Bertz-Rosa for their presentation and expressed their appreciation for the CEC's work and holding the City accountable. There was no further discussion.

- - - -

LUNCH RECESS - 12:09 P.M. - 2:00 P.M.

(2:00 P.M. #1) CITY COUNCIL CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(‘A’) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)
2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF BASIC UNIT)
3. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF MANAGEMENT UNIT)

(‘B’) EXISTING LITIGATION - CASE NAMES:

1. COF V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, ET AL.
2. JOE SOUZA FARMS, L.P., ET AL. V. COF

(‘C’) DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: PLATA, ET AL. V. SCHWARZENEGGER, ET AL., U.S. DISTRICT COURT FOR NORTHERN DISTRICT SAN FRANCISCO, AND COLEMAN, ET AL. V. SCHWARZENEGGER, ET AL., U.S. DISTRICT COURT FOR EASTERN DISTRICT SACRAMENTO

(2:00 P.M. #2) REDEVELOPMENT AGENCY CLOSED SESSION:

(‘A’) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY - CHAIR STERLING

The City Council and Redevelopment Agency met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in regular open session at 4:09 p.m.

CLOSED SESSION ANNOUNCEMENTS:

City Attorney Sanchez announced in the matter of Item ‘B-1’, Council authorized settlement of the matter on a unanimous vote; and in the matter of Item ‘C’ Plata/Coleman prisoner overcrowding lawsuits, Council authorized the Police Chief to intervene in that action on behalf of the City on a unanimous vote.

- - - -

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 4:11 p.m. and met in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF AUGUST 28, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of August 28, 2007, approved as submitted.

(A) ESTABLISH A JOINT MAYOR AND CITY COUNCIL TASK FORCE FOR CITY AND REDEVELOPMENT AGENCY COOPERATION PROJECTS (aka CITY OF FRESNO/REDEVELOPMENT AGENCY COOPERATION TASK FORCE) - CHAIR STERLING AND COUNCILMEMBER DAGES

Chair Sterling reviewed the issue, all as contained in the report to Council as submitted.

Extensive discussion ensued. Councilmember Westerlund spoke in opposition stating an informal ad hoc committee was formed about a year ago that has worked and continues to work, stated this did not make sense especially for governance issues between the City and the RDA adding that would not be appropriate, and urged Council to not support this. Councilmember Calhoun spoke to an item he and President Perea presented in May 2006 relative to an outside evaluation of the RDA and the economic development department and how that matter did not go anywhere, stated the City had fine staff but he still strongly believed there were ways to do the job better, and advised he agreed with Councilmember Westerlund that things should continue as they are rather than create “out of the blue” a complicated, bureaucratic system. President Perea spoke to his support for the proposal, relative to ad hoc committee meetings stated his fear was getting close to violating the Brown Act and stated by formalizing the structure a mechanism would be provided for the public to attend, questioned at what point talks should occur on formalizing the numerous informal committees (with City Attorney Sanchez responding), and stated this task force should be formalized for public participation and made a motion to establish the joint task force, which motion was seconded by Chair Sterling. City Manager Souza spoke in support of the motion stating he felt it was an appropriate time to formalize the structure and added he looked forward to working with the Agency if this is approved. Councilmember Dages also spoke briefly in support. Acting President Xiong presented questions and comments at length relative to what the RDA Director’s position was on this matter, if she felt the ad hoc committee has been effective, what voting power/authority the task force would have, if the task force would report back to Council or make official votes, if the task force would replace the ad hoc committee, if the ad hoc committee and task force would discuss the same things, and desire to have an audit of the RDA if this is approved, with Mr. Sanchez, Chair Sterling, and Mr. Souza responding throughout. Councilmember Duncan stated he did not know if this task force would help communication and added it may hurt, stated this would be identical to the Mayor/Council Economic Development committee with the same people which would basically do the exact same thing, advised the current ad hoc committee oftentimes discusses things that are not ready for the public such as it did with Running Horse, and stated this did not make sense and urged Council to not support it as it would make things more complicated **(6 - 0)**. Chair Sterling reiterated and clarified this task force would consist of the Mayor, the City Manager, the City Attorney, the Redevelopment Agency Chair, Vice Chair and Executive Director, the City Council President, and necessary city departments associated with the projects.

On motion of President Perea, seconded by Chair Sterling, duly carried, RESOLVED, a Joint Mayor/City Council Task Force for City and Redevelopment Agency cooperation projects hereby established, by the following vote:

Ayes	:	Dages, Perea, Xiong, Sterling
Noes	:	Calhoun, Duncan, Westerlund
Absent	:	None

(B) AGENCY AWARD OF CONTRACT FOR THE DEMOLITION AND CLEARANCE OF THE BUILDING KNOWN AS “ANGELA’S LIQUOR” LOCATED AT 1438 VENTURA STREET IN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA

Executive Director Murphey gave a brief overview of the issue, all as contained in the staff report as submitted.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, a contract in the amount of \$15,015 hereby awarded to Archie Crippen for the demolition and clearance of the building at 1438 Ventura Street, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None

The joint meeting was adjourned at 4:41 p.m. and the City Council reconvened in regular session.

- - - -

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-05-94 AND ENVIRONMENTAL FINDINGS FILED BY GRANVILLE HOMES, NORTH SIDE OF W. BARSTOW AVENUE BETWEEN N. GARFIELD AND N. GRANTLAND AVENUES; AND DETACHMENT OF PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND NORTH CENTRAL FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY WITH LAFCO AS THE RESPONSIBLE AGENCY

1. CONSIDER AND ADOPT E..A. NO. R-05-94/T-5597/C-05-239, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-76 - ORDINANCE NO. 2007-73 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM, R-A/UGM AND R-2/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Braun gave a PowerPoint presentation on the project and the concerns/issues of property owners relative to being annexed into the city, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Jeff Roberts, on behalf of Granville Homes, 1396 W. Herndon, who stated he concurred with staff and committee/commission recommendations, spoke further to the project and related issues, and requested Council's support; and Richard (last name inaudible), property owner on Grantland Avenue, opposed due to the annexation piece.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Planner Braun, Traffic Engineering Manager Jones and Mr. Roberts responded to questions/comments of Councilmember Calhoun relative to whether there would be no low density, continuing area growth and how traffic will be managed without Veteran's Boulevard, if development needed to be stopped until the boulevard is built in five years, this being a good project for the area but there being real traffic concerns, this being a good project and coming too far to stop it, and why the condition was placed for no homes being built for two years. Councilmember Calhoun stated he has watched this development take place and from information he's seen he was surprised to see objections from property owners, and stated this was a pre-zoning process and Granville Homes made a generous offer to wait on construction for awhile and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Westerlund.

Councilmembers Dages and Westerlund presented questions and comments relative to what will happen if the LAFCO attorney's annexation interpretation is wrong, if LAFCO had rights over private property, concern with the R-2 zoning and ability to build apartments in the future thus eliminating the current urban lifestyle, issues relative to hooking up to city services, concern with four property owners being encroached upon and the government telling them how to live, if the property owners can live with this, if anything could be done to ease things, if there will be a grandfather provision for property conditions, and how the state of property conditions will be documented, with City Attorney Sanchez, Mr. Braun, Water Manager Martin, the property owner, and Mr. Roberts responding throughout. **(7 - 0)** Councilmember Westerlund spoke to the annexation process and LAFCO's authority and said everyone needed to get used to this as LAFCO will no longer allow peninsula islands, and added once people become a part of the city they will find it is not as hideous as they thought.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the above entitled E.A. hereby adopted, and the above entitled Bill No. B-76 rezoning the project site adopted as Ordinance No. 2007-73, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

(3:00 P.M.) APPEARANCE BY LISA E. VARGAS, CLIENT MANAGER FOR NOVELL, INC., TO PRESENT FACTS AND IMPACTS REGARDING THE CITY'S PROPOSED EMAIL SYSTEM CHANGE

-and-

(3:05 P.M.) ISD NETWORK MIGRATION PROJECT- PROFESSIONAL SERVICES

- 1. RATIFY AN AGREEMENT WITH CONVERGENT COMPUTING FOR RFP 2636, PHASE I NETWORK MIGRATION ANALYSIS**
- 2. APPROVE AMENDMENT TO THE AGREEMENT WITH CONVERGENT COMPUTING FOR RFP 2636, PHASE II NETWORK MIGRATION IMPLEMENTATION, IN AN AMOUNT NOT TO EXCEED \$535,811**

Novell Client Manager Vargas introduced Steve Schwartz, Director of Workgroup Collaboration, and Sean Canevaro, CEO for Keep it Simple Consulting, and spoke briefly to their experience, and gave a PowerPoint presentation which included the objective, Novell and its technologies, addressing the rumors, statistics, corporate viability, SUSE Linux, identity and security management, and workgroup collaboration, and concluded stating the City had other options.

Assistant City Manager Rudd gave a PowerPoint presentation on the migration project which included the background of Microsoft migration, the crossroad, history of the process, migration benefits, and project plan, and recommended Council ratify the agreement and approve the amendment to the agreement, all as contained in the staff report as submitted.

Speaking to the issue were Novell representatives Sean Canevaro and Steve Schwartz, who responded to staff's presentation, spoke to the issue and in support of Novell, and requested Council reconsider what Novell has to offer now and in the future.

Councilmember Calhoun stated he spoke with staff and Novell reps to try to better understand the issue, he was not a technical-type person and was not elected to make decisions on Microsoft vs. Novell as that was what staff was paid to do, he was disappointed and discouraged with the process, this project was not treated like the Kronos/Cognos project wherein Council was provided with much information and a workshop, he felt let down, it seemed like Novell was not included very well in this, questioned why Council was not included in the RFP process, stated he was not impressed by staff's prior briefing and was no more comfortable today then he was before, and stated he was being asked to approve something he knew very little about and because of the process and not feeling adequately educated he could not support staff's recommendation.

A motion and second was made to approve staff's recommendation.

Mr. Rudd, Ms. Vargas and unidentified staff responded to questions of Acting President Xiong and Councilmember Westerlund relative to whether staff spoke with Tulare County on their experience, what the result was of talks with Fresno Unified, and technical questions relative to the Novell and Microsoft's programs and software. Councilmember Westerlund acknowledged Novell was a great company but stated migrating to Microsoft was the right thing to do and explained. Acting President Xiong advised he had to leave for his neighborhood meeting and left at 6:08 p.m. Councilmember Sterling thanked staff for the time taken to brief her and acknowledged receipt of written information from Novell but added had Novell talked with her she might have better engaged in this discussion. Mr. Rudd responded to questions of President Perea relative to what it meant for one company having a better market share than another and why that was a factor in this decision, what the City's experience was with Novell's software, the process and if Novell had a chance to respond to the RFP, and if an analysis was conducted on the migration.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the agreement with Convergent Computing for Phase I Network Migration Analysis hereby ratified, and the Amendment to the Agreement for Phase II Network Migration Implementation hereby approved, in an amount not to exceed \$535,811, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Perea
Noes : Calhoun
Absent : Xiong

- - - -

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:15 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____25th____ day of ____September____, 2007.

_____/s/____ ATTEST: _____/s/____
Henry T. Perea, Council President Yolanda Salazar, Assistant City Clerk